

FILED

AO 91 (Rev. 11/11) Criminal Complaint

NOV 13 2017

UNITED STATES DISTRICT COURT

for the

Western District of Texas

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY

United States of America

v.

Hugo Refugio Rosas

Case No. DR:17-6386m-01

Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 3/30/2017 through 10/24/2017 in the county of Maverick in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 USC 2422(b)

Enticement of a minor

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.[Signature]

Complainant's signature

John P. Owens FBI TFO

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/13/2017[Signature]

Judge's signature

City and state: Del Rio, Texas

Alia Moses, US District Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

IN THE MATTER OF THE CRIMINAL
COMPLAINT OF:
HUGO REFUGIO ROSAS

Case No. DR:17-6386M-01

AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT

I, John P. Ornelas, being duly sworn, depose and say that:

1. I am a Senior Special Agent with the United States Customs and Border Protection (CBP) Office of Professional Responsibility (OPR) and have been since September 13, 2010. As a Senior Special Agent, I conducted criminal and administrative investigations on CBP employees who alleged to have violated U.S. laws. I am currently assigned full time to U.S. Department of Justice (DOJ) Federal Bureau of Investigation (FBI) Task Force in Del Rio, Texas, and have been detailed to the FBI since September 2013. I have taken and completed basic FBI trainings in internet investigations, obtaining and analyzing digital records, investigating web sites, social media, basic networking for investigators, exploiting mobile communications, criminal tactics, investigative techniques, and tracing email addresses.
2. While assigned to the FBI Task Force I have been the case agent, co-case agent, or participated in complex and sensitive criminal investigations, including narcotic trafficking, computer crimes, international kidnapping, child pornography, financial crimes, bribery and extortion, weapons trafficking, fugitives, public corruption, thefts, and assaults of federal agents.

3. Prior to my employment with CBP, I was a Special Agent with U.S. (DOJ) Drug Enforcement Administration (DEA) for approximately twelve (12) years. I conducted Title 21 controlled substance investigations on domestic and international criminal organizations. I attended and completed the DEA Training Academy in Quantico, Virginia. I have received training in the following areas: techniques used to smuggle, distribute, package, and conceal narcotics (marijuana cocaine, heroin, methamphetamine, and crack cocaine) managed and developed confidential sources, federal weapons violations, federal drug laws, testifying in state and federal courts, conspiracy training, trafficking in controlled substances, money laundering investigations, undercover controlled purchases, wire taps (Title III), internet and telecommunications, and analysis of digital records related to Title 21 offenses.
4. The statements in this affidavit are based on the FBI investigation of this matter, including but not limited to my own observations as well as credible information provided to me by other law enforcement officers and/or witnesses and victims. I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that HUGO REFUGIO ROSAS committed the offense(s) set forth in the attached criminal complaint.
5. There is probable cause to believe that HUGO REFUGIO ROSAS (hereafter ROSAS) committed the offense(s) set forth in the attached criminal complaint based on the following facts:
 - a) Between, on or about October 24, 2017 and November 2, 2017,

investigators learned of allegations regarding ROSAS performing sexual acts with an identified victim under the age of 18 (hereafter V1) for payment. ROSAS arranged these sexual encounters with V1 utilizing electronic mail messages, as well as text messages on a cellular device. During an interview, V1 positively identified ROSAS from his Texas Driver's License Photo as the individual saved in V1's cellular telephone under the contact name "K." V1 stated that V1 and ROSAS met on approximately six to seven occasions to engage in various sexual acts. Among other things, V1 stated that during these encounters, V1 and ROSAS performed oral sex on each other, engaged in anal sex, and ROSAS attempted to digitally penetrate V1. These sexual acts occurred at various locations in Maverick County, Texas, an area within the Western District of Texas. Investigators further learned that ROSAS paid V1 \$10-20 in cash on multiple occasions in exchange for performing these sex acts. V1 stated V1 told "K" that V1 was 17 years old prior to engaging in many of the sex acts.

- b) Between, on or about October 24, 2017 and October 30, 2017, FBI seized and searched V1's LG cellular telephone pursuant to a search warrant issued in the Western District of Texas by the Honorable Judge Collis White. This review revealed a contact saved in V1's cellular telephone as "K" saved with the phone number [REDACTED]
- c) Between, on or about October 26-30, 2017, FBI, pursuant to an administrative subpoena, received the following subscriber information for

AT&T telephone number [REDACTED]:

- User and Financially Liable Party Name: Hugo Rosas
- Address: [REDACTED]
- Account number: [REDACTED]
- MSISDN active: 1/18/2014 to current
- MSISDN: [REDACTED]
- IMSI: [REDACTED]
- Email: [REDACTED]

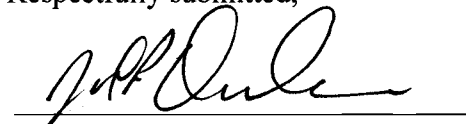
- d) On or about November 12, 2017, AT&T provided additional information pursuant to an administrative subpoena indicating Rosas, subscriber of the telephone number [REDACTED], was using an Apple iPhone 6S Plus device in the following communications.
- e) Between, on or about October 24, 2017 and November 11, 2017, FBI conducted a full extraction of the data contained on V1's LG cellular telephone. This extraction revealed text messages between V1 and ROSAS that corroborate V1's statements previously made to investigators about the sexual encounters between V1 and ROSAS. One such conversation is referenced below. The text messages utilized the AT&T network with ROSAS utilizing an I Phone 6s Plus. Among other conversations, this extraction revealed the following SMS message conversation between V1 and [REDACTED]:

To	From	Date	Time	Content
V1	Rosas	8/23/2017	2:20:04 pm	Hey baby how are you
V1	Rosas		2:20:34 pm	You were super horny yesterday, right?
Rosas	V1		2:31:09 pm	Very good, i was so I jerked off
V1	Rosas		2:34:02 pm	Feel better?

V1	Rosas		2:34:02 pm	What did you use to get excited
Rosas	V1		2:36:30 pm	Little bit
Rosas	V1		2:36:55 pm	Me entering you
V1	Rosas		2:38:37 pm	You want me to rub on your cock like I did last time with panties on?
Rosas	V1		2:40:55 pm	Why cant I enter you
V1	Rosas		2:41:34 pm	Because I'm paying you. Youre not paying me.

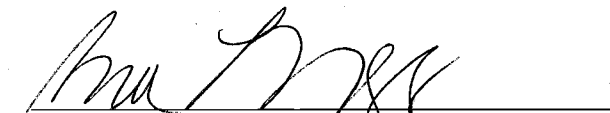
- f) Additionally, telephone records acquired by the FBI revealed ROSAS was in telephone communication with V1, as early as August 2016, when V1 was 16 years old.

Respectfully submitted,



John P. Ornelas
Task Force Officer
Federal Bureau of Investigation

Sworn to and subscribed before me this 13th day of November, 2017.


 UNITED STATES DISTRICT JUDGE
 ALIA MOSES